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06.08.2021
Ct. No.10
b.das

W.P.A. 12139 of 2021

(Via Video Conference)

Nirod Kr. Sarkar
Vs.
State of W. B. & Ors.

Mr. B. Ghosal ...for the petitioner.

Ms. Chhama Mukherjee
Mr. H. K. Halder ...for the State.

Heard the parties.

The grievances of the petitioner is directed against acquisition of the subject premises by the State respondents.

It is also submitted on behalf of the petitioner that in respect of construction work which has been undertaken by the State respondents, the subject premises has been acquired. In this background, the petitioner has prayed mandamus commanding the respondents not to acquire the subject premises of the petitioner without due process of law.

Ms. Mukherjee, appears on behalf of the State respondents and submits that the writ petition is baseless and speculative and the petitioner has no legal enforceable right to maintain this writ petition.

It is further submitted on behalf of the State that no portion of the petitioner's premises has been acquired and hence, there is no question of making payment to the petitioner.

I have heard the parties and I am of the view that in view of the fact that no portion of the petitioner's subject premises has been acquired, there is no relief which can be granted to the petitioner.

The facts of the case relate to the Bongaon- Chakdah bridge initiated by the West Bengal Highways Development Corporation Ltd. and I find there has been no encroachment of any portion of the subject premises of the petitioner. In fact, for purposes of such construction land has been demarcated and authenticated by the concerned B.L.&L.R.O. As such, there has been no encroachment in any manner whatsoever.

The instructions submitted on behalf of the State respondents is kept with the records.

In view of the aforesaid, there is no merit in this case and WPA 12139 of 2021 is dismissed, however, there will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Ravi Krishan Kapur, J.)